

12-1982

## Report of the Dean 1981–1982

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## Report of the Dean



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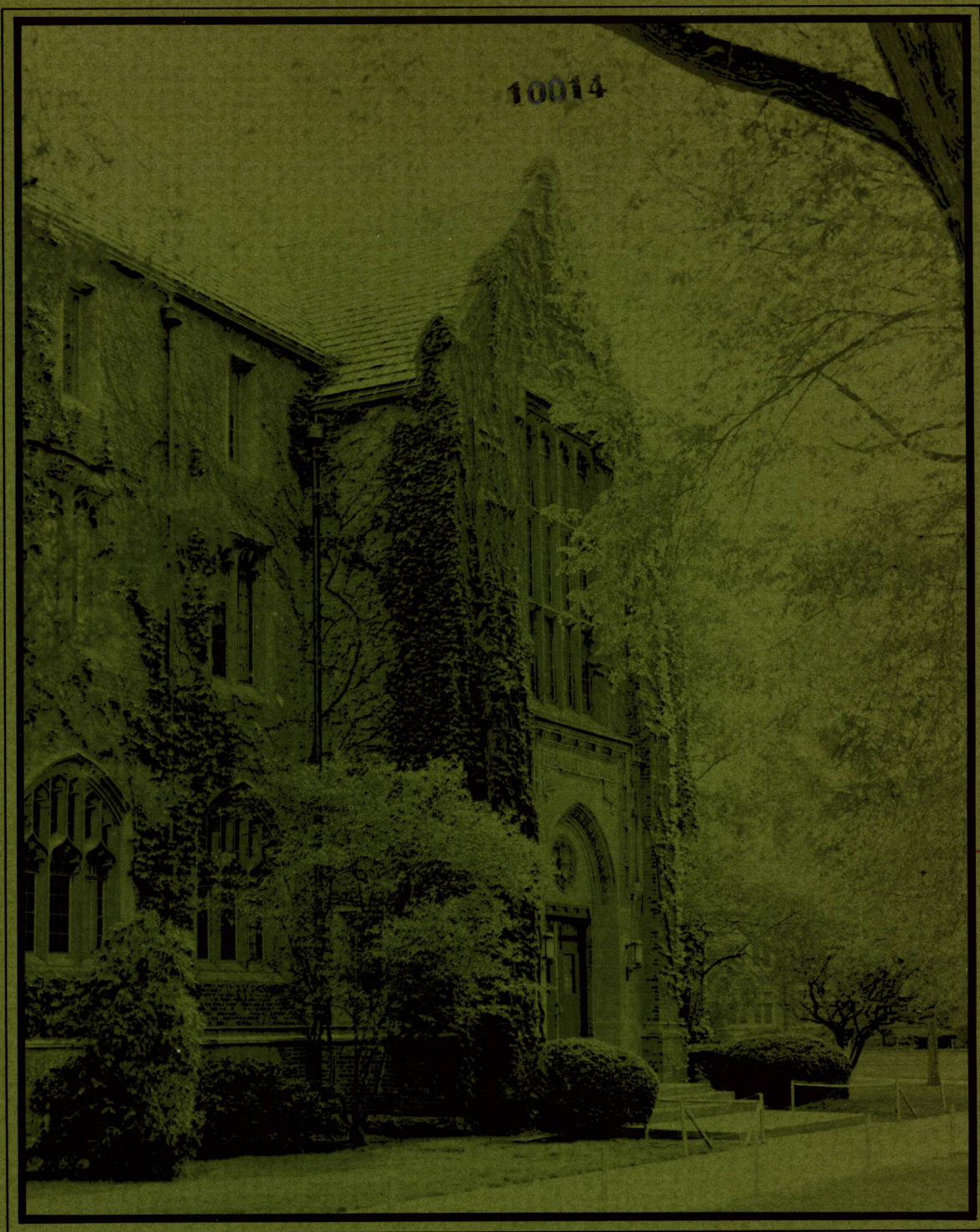
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Notre Dame Law School  
Annual Report  
Academic Year 1981-82



**Notre Dame Law School**

Notre Dame, Indiana 46556

Office of the Dean

December 1982

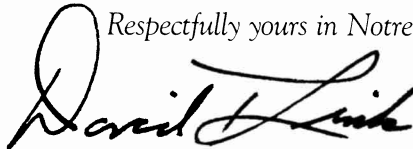
To the Chairman of the Board of Trustees, The President,  
The Provost and The Associate Provost of the University of Notre Dame

Gentlemen:

I submit herewith the Annual Report for the Law School.

The Law School's reputation continues to get better and at a more rapid rate than anyone expected. It is clear that we are capable of being recognized as one of the nation's leading law schools. Yet there is much to be done. Our strategic plan has helped us analyze this place and the resulting goals and objectives should provide the outline for our future. It is now important to reach an agreement on the goals and objectives and eliminate those few hurdles that stand in our way. I especially invite your comments.

Respectfully yours in Notre Dame,

A handwritten signature in black ink, reading "David T. Link". The signature is fluid and cursive, with a large initial "D" and a stylized "L".

David T. Link  
Dean

# Notre Dame Law School Annual Report Academic Year 1981-1982

**I**NTRODUCTION This year's annual report takes on a slightly different format and for the first time asks for a response from the readership. The first part of the report is a shortened version of the standard statement of the year's events and accomplishments. It is shortened in order to make room for a preliminary report on the strategic planning process. We hope that everyone will carefully read this preliminary report on strategic planning and send comments on the goals and objectives set out therein. The report is based on a consensus of the opinions of those who responded to the strategic planning questionnaire. The goals and objectives are only a preliminary response to the perceptions of strengths and weaknesses. After an analysis of any comments on those preliminary goals and objectives, finalized versions will be published along with specific action plans. Comments on the preliminary statements are therefore essential to our long range strategic planning. Please send any comments directly to the Dean.

**F**ACULTY 1981-82 was another stable year for the faculty. No regular members left the Law School and no new permanent members were added. This stability contributed to a highly successful year in both teaching and scholarship.

Honors and achievements were many. Among them:

**Douglas W. Kmiec** was named White House Fellow and thus will spend 1982-83 in Washington, D.C. where he will serve as Special Assistant to Housing and Urban Development Secretary Samuel R. Pierce, Jr. His areas of work will include the Enterprise Zone proposal, new Federalism, and the Joint Venture for Affordable Housing.

**Fernand Dutile** was awarded the University Presidential Citation in recognition of his teaching, scholarship and service to the University, and in addition was named Teacher of the Year by his students.

**Frank Booker** served as Reporter and Editor for an ABA study of the Federal Rules of Evidence. The 333 page report is published and filed with the ABA and Professor Booker has met with the Chairman of the Australian Commission of Law Reform for discussion toward implementation of a reformed evidence code in that country.

The National Judicial College cited **J. Eric Smithburn** in recognition of his five years of service to judicial education.

**Tang Thi Thanh Trai Le** and **J. Eric Smithburn** were promoted to the rank of full professor.

Other developments included:

**Carol A. Mooney** and **Teresa G. Phelps**, both of whom taught full time last year as adjunct members, were named regular members of the faculty.

**Elvin C. Lashbrooke, Jr.**, who came to Notre Dame as a Visitor in the Spring of 1981, was appointed to a regular position as Associate Professor.

**Joseph P. Bauer**, who was on leave for academic year 1981-82 as a Visiting Professor at the University of North Carolina School of Law, has returned to Notre Dame for 1982-83.

**Thomas F. Broden, Jr.** has long been a member of the Law School faculty but for the past several years has devoted most of his time to direction of the University Institute for Urban Studies. While continuing to direct the scaled down Institute he will return to regular teaching duties in the Law School in 1982-83.

**Anton-Hermann Chroust**, distinguished scholar in classics, philosophy and jurisprudence and long time teacher in the Law School passed away in January 1981. We will miss the advice and insights of this nationally known Professor Emeritus.

**Hans Van Houtte** was named the first Distinguished Visiting Concannon Professor and resided and taught in the Law School Fall Semester 1981. Professor Van Houtte, renowned international lawyer, is a regular member of the faculty of the Catholic University in Louvain, Belgium.

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**STUDENTS** The student body continues to be a major strength of Notre Dame Law School. All states and some foreign countries are represented as are all segments of society. Each year's entering class comes from well over 100 undergraduate institutions with the full spectrum of undergraduate majors. A number of students have advanced degrees. Applications for admission remain high with twelve candidates for each seat in the class. The job market has tightened somewhat but placement opportunities for Notre Dame Law School graduates continue to be good.

The goal for student enrollment continues to be 465 with approximately equal distribution in each of the three years. We ran slightly above that figure in 1981-82, including 42 students in London of whom 18 were from law schools other than Notre Dame. The student population includes just over 30 percent women and approximately eight percent minorities.

Applications for admission for the fall of 1982 remained almost the same as for the previous year when applications rose sharply. The Law School continued a modest but active recruiting campaign, participating in a broad spectrum of "law school caravans" and "law days" in various metropolitan areas. Literature on Notre Dame Law School was provided to all undergraduate pre-law advisors.

A class of 162 students was enrolled from the 1931 applicants who completed the requirements for admission. The enrollees came from 28 states, the District of Columbia, Canada and Puerto Rico. The median grade point was 3.53 and the median LSAT score 650. These academic statistics are slightly higher than for the class entering a year ago and in previous years.

One hundred fifty seven students were awarded the Juris Doctor degree at the Commencement Exercises in May, 1982. Twenty-seven were graduated with honors, eight of those summa cum laude.

Over 180 firms interviewed on campus during the year and a summer survey showed that 88 percent of the class had accepted employment soon after graduation. This figure appears to be very high compared to other law schools (especially since many of those who had not accepted positions were not actively pursuing employment until after graduation). More than half indicated they secured their jobs through on-campus interviews or by using other Placement Office information. Fifty percent of the students received more than one offer of employment. The second year students showed even higher percentages with law-related second summer employment. This is an encouraging development because second summer employment often leads to an offer of an after-graduation position.

Nineteen members of the graduating class received clerkship positions. This figure is far above the national norm. Five of these clerkships were at the U.S. Court of Appeals level; eight were at the U.S. District Court level; and three were at the State Supreme Court level.

The difficulties encountered by students in financing their legal education continue to grow. Two-thirds of Notre Dame Law School students depend on the federally insured Guaranteed Student Loan to provide the core funding for their legal education. The federal administration announced a position favoring discontinuing this loan program for the graduate level student. This position was not adopted by the Congress and the loan program was continued for Academic Year 1982-83, with tightened eligibility criteria. However, the question of continuation of the Guaranteed Student Loan program for subsequent years has not yet been resolved in Washington. While most Notre Dame Law School students can live with the tightened eligibility criteria, discontinuance of the loan program for the graduate level student would have a severe impact on the ability of many of our law students to finance their legal education.

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The Law School was the beneficiary of three new and significant scholarship programs this year. Professor Anton-Hermann Chroust willed the bulk of his estate to the Law School for use in endowing scholarships for worthy students. Mr. A. Harold Weber, an alumnus and former member of the Law Advisory Council, made a significant testamentary donation for use by the Law School for awards and scholarships. The Gulf Oil Corporation awarded a full tuition, plus stipend, fellowship for one law student who will serve as a summer intern with the Corporation. Gifts from the membership of the Notre Dame Law Association were again generous this past year.

The law student of the near future is faced with rising tuition, a reduced if not cancelled loan program and generous but still stringently limited scholarship monies. To help alleviate this problem we are working with the Board of Directors of the Notre Dame Law Association with the goal of doubling the Law School Annual Fund. This action is further addressed under the Alumni section of this report.

The full range of student activities was conducted in 1981-82. Significant developments included:

The *Notre Dame Lawyer*, under the leadership of Brian Waliser as Editor-in-Chief, published five volumes. Administratively, it completed the transition to word-processing equipment and changed to a printer that specializes in the publication of law reviews and is compatible with word-processing. After soliciting the views of past membership and seeking the concurrence of the faculty, the Editorial Board changed the name of its journal from *Notre Dame Lawyer* to *Notre Dame Law Review* beginning with the first issue in the fall of 1982. The Staff elected the first woman Editor-in-Chief for Volume 58 (1982-83).

The *Journal of Legislation* with Mary Persyn as Editor-in-Chief, published two issues. It operated in full affiliation with the White Center for Law, Government and Human Rights where it continues to function as a Law Review concerned with matters of public policy.

The *Mock Trial Team* won the Regional Competition held in Des Moines, Iowa and advanced to the National Competition in Houston. Members of the winning team were Bruce Baty, Richard Goehler, and Julie Swanson. Miss Swanson was named best advocate in the regional meet.

The *Moot Court Team* conducted its final argument before a distinguished panel of visiting judges, namely, Associate Judge J. R. Carrigan, United States District Court, Colorado; Chief Justice C. C. Torbert, Jr., Supreme Court of Alabama; and Associate Judge M. A. Levin, Maryland Circuit Court. Timothy Nickels and James Burns were named first and second speakers.

The *International Moot Court Team* won second place in the West Central Regional Round of the Jessup Moot Court Competition. Team members were Lynnette Conway, James Gillis, Perry Vieth and Laura Dickinson.

The Client Counseling Competition held within the Law School resulted in the selection of Maureen Byrne and Gregory Kruzel to represent the school in the regional competition. They participated in Chicago and placed as semifinalists.

**LONDON PROGRAMMES** The London Programme is now housed in a permanent facility for the first time in its fourteen year history. The Programme had operated in a number of temporary locations until a bequest by Mrs. Dagmar Concannon made it possible to make a substantial long term investment in a building ideally suited for the London Law Centre. We occupy two floors of a grand old building with a fascinating history located on Albemarle Street in the Mayfair District in the center of London. Extensive renovation occurred during this year. Temporarily the facility remains very tight because we are sharing the space with two other Notre Dame programs. We hope that this problem will be eliminated next year. Professor William A. West, a noted legal scholar and teacher, and a member of the Notre Dame Law School faculty, directed the Programme in 1981-82 and will con-

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tinue as Director next year. A major step has been taken in updating the library holdings in the facility. This highly regarded program is reaching a new plateau of stability and maturity. It is fully accredited by the American Bar Association.

Forty-two second year students studied in London during 1981-82, 18 of them from law schools other than Notre Dame. A similarly sized class has been admitted for 1982-83.

The London Summer Program was conducted again in 1982, under the direction of Professor Peter Thornton, utilizing the facilities of the London School of Economics. Eighty-two students, from Notre Dame and other law schools, attended. Now that renovation of Notre Dame's own facility in London is completed, movement of the Summer Program to that facility is being considered. No summer program is conducted on the home campus.

**CURRICULUM** The Law School implemented the new grading system for the class entering in the fall of 1981. The old five box system (A,B,C,D,F) was expanded to a ten box system as follows:

A	4.0	C+	2.25
A-	3.75	C	2.0
B+	3.25	C-	1.75
B	3.0	D	1.0
B-	2.75	F	0

A grade point average is now calculated and shown on the student's transcript. This grade point average is used internally to determine a Dean's Honor Roll and to determine academic standing. It may be used by the student for such matters as placement. The Law School may not release an individual's grade point average without the student's permission, but will publish a class mean. With this revised grading system, the grade point average for the first year class was approximately 2.9. Considering the credentials of incoming students, this average illustrates that

Notre Dame continues to be one of the toughest grading institutions in the country. The new grading system has been well received by the students. It is our and their belief that the additional information that it provides to them and to prospective employers will be beneficial.

After trying a variety of different approaches to teaching Legal Writing, an innovative program has been adopted. A professor with a Ph.D. in English and a specialty in teaching writing has been added as a regular member of the faculty. All first year students must take the Legal Writing course and demonstrate a standard of legal writing judged adequate to serve their needs in the legal profession. Further tutorial work is provided for those who have difficulty achieving the accepted standard. We are now in the third year of this experiment and judge that it is working. We have received many favorable comments from employers who have seen the work product of students trained under this new program.

We have given increased emphasis to the Clinical Program. National studies show that there is a gap between the traditional law school offerings and legal practice. One approach to bridging this gap is through further clinical undertakings in the Law School. Professor Frank Booker, an experienced teacher and practitioner, is director of our stepped up effort and has substantially expanded our program. One severe limitation is the increased demand on faculty resources to run an effective clinical undertaking. A local attorney, Ronald Soskin, assisted as an adjunct member of the faculty in this capacity during 1981-82. Professor Thomas Broden, long a member of the Law School faculty and experienced in clinically related matters, will assist next year.

We believe Notre Dame Law School has a good curriculum at this time. Further refinements of the curriculum will be the subject of the Faculty Retreat in the fall of 1982 with the objective of addressing the question: are we meeting the needs of our students to the best of our ability, given the faculty resources that we have in the Law School.



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**A**DMINISTRATION The administrative hierarchy of the Law School remains unchanged this year. It is working well and no changes are contemplated in the near term. Professor Peter Thornton functions as the Assistant Dean concerned principally with academic matters. Capt. William McLean handles administrative concerns. Both teach courses as well. Mrs. Kathleen Farmann has been the Law Librarian for many years. Governor Gilligan directs the Institute for Public Policy and oversees the three constituent centers of the Institute. Professor Frank Booker is Director of Clinical Legal Education. Mrs. Nancy Kommers is Director of Placement and Executive Secretary of the Notre Dame Law Association. Mrs. Carol Nelson-Douglas is Coordinator of Admissions and Registration. The administrative structure of Notre Dame Law School is small compared to other law schools of similar size. The need for an Associate Dean causes difficulties from time to time but we still believe that increasing faculty size takes priority over an expanded administration.

**A**LUMNI Notre Dame Alumni who have law degrees, along with other friends, are organized into the Notre Dame Law Association. The Association numbers approximately 5000 members. It is governed by the recently re-organized Board of Directors whose 22 members come from all reaches of the country. Francis M. Gregory, Jr., Washington, D.C., serves as President of the Board. An Executive Committee met in June to formulate plans for the first meeting of the board to be held in October 1982. The alumni assist the school in many ways, including placement, student recruiting and fund raising. The principal focus of the October Board meeting will be the development of strategies for increasing the Annual Fund. The objective is to substantially increase participation by the association membership in contributing to the support of the school.

The Law School inaugurated an Alumni Newsletter and distributed the first issue last winter. The second issue was mailed in late summer. Nancy Kommers, Executive Secretary of the Notre Dame Law Association, is editor of the newsletter. Our goal is to communicate with the alumni at least four times annually, three times by newsletter and the fourth time by the Dean's annual report.

As indicated in previous years, our goal is a more informed Law Alumni and a revitalization of the alumni support of the Law School. Actions are in progress to meet this goal.

**P**HYSICAL FACILITIES Relief of the severely crowded conditions in the Law School continues to be our major need. The University administration has acknowledged this need by placing a high priority on finding funds to expand the Law building. An architect has been engaged to develop plans for the addition. It is currently envisioned as a wing to extend from the southeast corner of the present building and to be constructed in a style compatible with the present Law School and other University structures. Presentations have been made to prospective donors but to date the necessary funding has not been secured.

The Law School has installed a substantial amount of word processing equipment in the course of the past year. This equipment is particularly useful in manuscript preparation and in correspondence with multiple addressees. With the support of the University administration, word processing units have been installed in the Dean's administrative area, admissions, one unit for faculty secretaries, a unit for the Centers, and a unit for the two Law Reviews. With the acquisition of this equipment, we have the potential for markedly increasing the quantity and the quality of scholarship.

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**STRATEGIC PLANNING—An Interim Report** Following the successful implementation of its Five Year Plan, the Law School began the development of a long-range strategic plan. This was done concurrently with the University Provost's development of a set of priorities and commitments for the entire University of Notre Dame (the PACE report—Priorities and Commitments for Excellence). We intend for the Law School's strategic plan to be a continuing response to the University's mission and priorities. Our strategic plan will be a detailed formula for how the Law School intends to fulfill its role in accomplishing the University's mission.

The first phase of our planning process has been to survey those most intimately connected with the Law School (faculty, students, alumni, advisory council members, staff and others) to determine their present perception of the Law School. We specifically solicited opinions on our mission and our most important strengths and weaknesses. We were gratified to learn that there was unanimous support with the statement of our mission. In direct response to some of the questionnaires we have made slight wording changes for clarification and our mission statement now reads as follows:

To be an outstanding teaching Law School, continuing to prepare attorneys who have both competence and compassion and whose decisions are guided by the values and morality which Notre Dame represents, and

Through faculty scholarship and institutional projects to be recognized as a leader among institutions making contributions to the development of law, the system of justice, the legal profession and legal education, concentrating on the unique qualities of the Notre Dame value system.

We were also pleased to have responses confirm that we have many valuable and in some cases unique strengths and while we have some weaknesses, none are uncorrectable. In fact the tentative solutions to our problems are fairly obvious and relatively inexpensive. It is, however, clear that some of the needed changes will take some time to implement.

The major strengths pointed out in the questionnaire are as set out in the following paragraphs. Please note that these strengths are randomly listed and are not in order of either priority or numbers of times listed by those answering the questionnaire.

- S-1 **Value Orientation**—this was by far the most uniformly mentioned strength of Notre Dame Law School. The extent of this law school's commitment to raising the moral and ethical, in addition to the substantive and procedural aspects of legal questions was seen as unique. While there are several areas in which respondents felt we could improve implementation of this value commitment, there was general agreement that the present program has a higher value-orientation than other law schools.
- S-2 **Association with University of Notre Dame**—the advantages of this are obvious. There were a few suggestions for taking greater advantage of this strength through programs such as inter-disciplinary courses and consolidated library collections.
- S-3 **Faculty**—while individual weaknesses were perceived within the faculty, there were very favorable comments about the overall quality of the faculty. Special commendation was made of most of the first-year faculty and of many recent faculty additions.
- S-4 **Size**—there was general unanimity that the present size of the student population was just about right. Only one person responded who thought we should be much larger and

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another that we should be much smaller. It was generally felt that the size of the student population has much to do with some of our other strengths such as the professional atmosphere, the type of students, the quality of our graduates, and the high level of successful placements.

S-5 **Faculty-Student Relations**—the amount of time that many faculty spend with students and the professional way in which students are treated is obviously an important aspect of this law school. This relates to other strengths of the program. For example, since many faculty are highly value-oriented, much of the Law School's commitment is transferred to students through close personal relationships with faculty members. Many respondents expressed a fear of making changes as part of the planning process which would in any way interfere with the "open door" policy or any other aspect of the student-faculty relationship.

S-6 **Atmosphere**—Notre Dame is a comfortable place for both faculty and students to work. Faculty enjoy academic freedom and substantial support for their scholarly endeavors. Although the Law School faculty runs the entire gamut of political thought and educational philosophy, no aspect of factionalism has ever developed. This is quite different from many other law schools.

The students find an atmosphere of cooperation. There is little of the backstabbing competition that one finds in many other law schools. The students we have been able to attract under the revised admissions program have set a high standard for themselves. Therefore, few of them find it necessary to "step on" others to accomplish their goals.

Finally the physical environment received many compliments. The law building al-

though acknowledged as being too small, has pleasant teaching and study facilities. There were also advantages seen in being physically located on this campus.

S-7 **Type of students**—there was generally agreement about the high quality of the student body. The revised admissions program, which concentrates on finding people with proven leadership qualities and a value orientation, has obviously been successful. It must be emphasized that Notre Dame has traditionally gotten a cadre of good students. What the new program is doing therefore is attracting a larger number of high quality students to each class. The depth of quality in the class has become apparent to both the faculty and those employing graduates.

S-8 **Faculty scholarship**—there has been an extraordinary increase in faculty scholarship over the past several years. We have gone from very few contributions to legal literature to a yearly output of written scholarship which compares most favorably to that of other law schools which are already generally regarded as leadership institutions. Oral scholarship (speeches, committee participation, etc.) has also increased dramatically. Overall Notre Dame scholarship is having an increased impact on the development of the law and is enhancing Notre Dame's national image.

S-9 **Quality of graduates**—perhaps the most consistent comment from alumni and others who have been hiring Notre Dame people had to do with the high quality of our graduates. There were many who noted that our students were as well prepared intellectually for the practice of the law as the graduates of any law school, including the most prestigious. Some respondents added that the professional attitude of the Notre Dame graduate was superior.

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The major weaknesses brought out in the responses to the questionnaire were as follows:

- W-1 **Physical facility**—it is clear that the campus building is much too small for the present Notre Dame program. It is clear that the lack of space is detrimentally affecting all major aspects of the program—curriculum, library, faculty and students. While we have been able to make do until the present time, the negatives of the space problem promise an eventual effect on quality. The amount of space available was one of the few items criticized by the American Bar Association Accrediting Team on their last visit and is the only criticism which has not been addressed in some way.
- W-2 **Library**—while the law library received many compliments in its role as a working library (serving the ordinary needs of the law students and lawyers) there is a need to upgrade as a research library. The present library collection and current library budget are inadequate to satisfy the present and future research needs of the faculty and the research centers. Further, the general space problem mentioned above has affected the library in that both student study space and book shelving have been sacrificed to put up temporary offices for faculty and research centers.
- W-3 **Curriculum**—the reaction to the present curriculum was very mixed. For the most part the curriculum would seem to be quite good when compared to many other law schools but many respondents saw need for improvement. There was, however, much disagreement and inconsistency as to what the improvements should be.

One person's opinion of weakness turned out to be another's opinion of strength. For example, some commented that there were too many private law, not enough public law courses; and there were equal numbers of comments vice-versa. Perhaps of greater significance, were several comments that the curriculum, while more value-oriented than at other law schools, could use additional specific value-based courses. That is, several respondents felt that Notre Dame's concentration on values comes more from faculty role models and extra-curricular events than from curriculum.

- W-4 **Some faculty**—while the overall faculty was perceived as a strength, several individuals were pointed out as weaknesses. A careful analysis of responses indicates that this is more a matter of faculty assignment than competency. That is, some faculty with competence in one area are teaching both in that area and in another but without the proper experience in the latter field.
- W-5 **Faculty retention**—this may simply be a "glitch" in the strategic planning process. At the time that the Strategic Planning Questionnaire was sent out, it appeared that Notre Dame might have a major faculty retention problem. Several of our best young teachers were receiving very attractive offers from other law schools and it was evident that Notre Dame's pay scale and promotion system were not competitive for the quality of faculty that we have been getting. We are happy that the University Provost has been able to bring the compensation package back into a competitive range. At the present time the faculty seems to be stabilized and there does not appear to be any present danger of abnormal faculty loss.



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W-6 **Lack of national recognition**—it is clear that there are many places in the country where the present quality of the Law School is not well known. In part this is natural since an institution's reputation generally lags behind its accomplishments by a number of years. It takes a while for the message to get around when spread by word of mouth. While the quality of the present faculty makes it clear that a good number of them will have national recognition in the years to come, the only feasible way to speed up the process of having Notre Dame recognized as one of the leading legal institutions is to bring in, by means of distinguished endowed professorships, some established legal scholars who already have national reputations.

W-7 **University relations**—"The Prophet is not without honour, save in his own country and in his own house" (Matthew 13:57). While we cannot claim the power of prophecy it is equally clear that what is happening in the Law School is not as well known on the campus as it is elsewhere. While those who have maintained close contact with the program seem to understand it and are very supportive, there are too many on campus who do not realize that this Law School is very different from many other law schools. Our efforts to raise the moral and ethical aspects of law practice, our unique admissions program, the impact of our faculty scholarship, the special qualities of many of our newer faculty and other aspects of the existing program remain unknown to many at the University. There are still people who think of us as only a trade school, or who regard the importance of the Law School to the University only in terms of its being a "profit center". Worst of all, there are many who speak of the Notre Dame graduate in the cliché terms associ-

ated with the typical lawyer. This misinformation must be corrected. While at first this may seem a minor weakness it creates a major problem if we are to take maximum advantage of being associated with a great university. For example, interdisciplinary programs are impossible without a proper campus view of what this Law School is all about.

W-8 **Intellectual exchanges**—we have been assembling a very fine faculty with diverse views and talents. Their major impact on others is through their teaching and scholarship. They rarely have the opportunity for interchange with faculty colleagues or with students on a non-classroom basis.

The above are only the major strengths and weaknesses listed by respondents. However, all responses were recorded and considered in developing goals and objectives for the Law School.

# **Notre Dame Law School Annual Report Academic Year 1981-1982**

## **Preliminary Statement of Goals and Objectives**

From the above strengths and weaknesses we have developed the following preliminary goals and objectives for the Law School. Please note that the objectives are set out in random order. Priorities will not be established until we have received comments on these goals and objectives. Note that some objectives are intentionally repeated because they affect more than one goal.

### **GOAL 1—Maintain the Highest Quality Teaching and Research Faculty Possible.**

- Objective 1a** - Establish a faculty retention system comparable to that of the best institutions including both a competitive salary structure and a competitive promotions schedule.
- Objective 1b** - Reallocate some of the present faculty to assignments which better utilize their talents.
- Objective 1c** - Attract funding and nationally recognized candidates for distinguished endowed professorships.
- Objective 1d** - Attract funding to reward certain existing faculty with distinguished endowed professorships.
- Objective 1e** - Establish interdisciplinary courses utilizing faculty from the University Colleges (this objective will also expose law faculty to other parts of the University community).
- Objective 1f** - Supplement the library collection to satisfy the research needs of the faculty.
- Objective 1g** - Develop avenues for more national involvement of the faculty (e.g., committee assignments, consultantships, boards of directors, etc.).
- Objective 1h** - Provide incentives for faculty scholarship which is oriented to both careful analysis of the law and to moral and ethical values.
- Objective 1i** - Hire a library assistant for faculty liaison and research assistance.
- Objective 1j** - Create an open classroom atmosphere providing the faculty the opportunity to observe colleagues in the teaching environment.
- Objective 1k** - Develop forums and a facility for intellectual exchanges among the faculty and between faculty and students.
- Objective 1l** - Provide teacher training clinic opportunities.
- Objective 1m** - Reinstate the research centers to a full operating mode and integrate the work of the centers with the instructional side of the Law School.

### **GOAL 2—Maintain a Unique Student Body With the Potential for the Highest Standards of Both Competence and Values.**

- Objective 2a** - Maintain the student body size below 500 students.
- Objective 2b** - Maintain the present professional relationship of faculty and students.
- Objective 2c** - Reduce the student-faculty ratio.
- Objective 2d** - Hold the tuition to a competitive level.
- Objective 2e** - Increase student financial aid (scholarships, grants and loans).

# **Notre Dame Law School Annual Report Academic Year 1981-1982**

- Objective 2f** - Develop a more rigorous program for attracting minority students.
- Objective 2g** - Maintain the present standards for admissions.
- Objective 2h** - Continue the present professional atmosphere (cooperation among students, a pleasant environment, involvement in University activities, etc.).
- Objective 2i** - Revise the curriculum for greater value orientation.
- Objective 2j** - Attract funding for greater support for extra and co-curricular activities.
- Objective 2k** - Provide placement opportunities in certain geographic areas in which placement is now difficult.
- Objective 2l** - Provide greater opportunity for placement in public interest positions.

## **GOAL 3—Provide a Curriculum Which Maximizes the Exposure to Substance, Procedure, History and Philosophy of the Law.**

- Objective 3a** - Intensify the raising of value questions in every course but without lessening the coverage of substantive and procedural matters.
- Objective 3b** - Increase discussions of the humanistic aspects of law practice.
- Objective 3c** - Use more classroom time for discussion of the policy behind the law and legal systems.
- Objective 3d** - Use less classroom time for simply transferring established information (i.e., require more intense student preparation for class).
- Objective 3e** - Provide more opportunities for clinical experiences (both simulated and real client experiences.).
- Objective 3f** - Increase the funding and coverage of the law school legal services program.
- Objective 3g** - Generally, increase legal skills training (legal writing, trial techniques, negotiations, client counseling, etc.).
- Objective 3h** - Specifically, increase opportunities for and instruction in legal writing.
- Objective 3i** - Develop a legal research instructional program which gives our students a competitive edge over their peers.
- Objective 3j** - Make better use of the London Programme for the teaching of international comparative law and for enrichment of jurisprudence offerings.
- Objective 3k** - Establish a small specialized LL.M. - S.J.D. program.
- Objective 3l** - Increase the number of interdisciplinary courses and programs.

## **GOAL 4—Maintain a Reputation as a Leadership Institution With National Recognition of the Quality of Notre Dame Law School.**

- Objective 4a** - Hire some nationally recognized faculty into endowed professorships.
- Objective 4b** - Develop avenues for more national involvement of the faculty (e.g., committee assignments, consultantships, boards of directors, etc.).

# **Notre Dame Law School Annual Report Academic Year 1981-1982**

- Objective 4c** - Reinststate the research centers to full operational mode and involve the centers in national issues to an even greater degree than presently.
- Objective 4d** - Add additional institutes, research centers and continuing legal education programs.
- Objective 4e** - Reorganize the law reviews to involve more "cutting-edge" scholarship.
- Objective 4f** - Establish a second year study of law program in Washington, D.C.

## **GOAL 5—Maintain a Position Within the University Community Which will Maximize the Law School's Contribution Toward Accomplishing the University's Mission.**

- Objective 5a** - Develop a campus information program to bring various departments of the University up to date on the present status of the law program.
- Objective 5b** - Develop inter-departmental colloquy on law related subjects.
- Objective 5c** - Establish interdisciplinary courses utilizing faculty from the University Colleges (this objective will also expose law faculty to other parts of the University community).

## **GOAL 6—Maintain a Physical Facility Which Combines a Traditional Academic Atmosphere With the Most Current Teaching and Research Resources.**

- Objective 6a** - Provide a sufficient library budget to acquire the materials needed for faculty research.
- Objective 6b** - Provide sufficient library study and research space for students and faculty.
- Objective 6c** - Provide a video equipped court room for both trial and appellate training.
- Objective 6d** - Provide sufficient office space for current faculty, centers and institutes, including some space for any potential expansion (this will free some current library space now being used for offices).
- Objective 6e** - Provide additional library book shelving space.
- Objective 6f** - Provide specialized library space (for computer terminals, microfilms, etc.).
- Objective 6g** - Provide a faculty library/lounge.
- Objective 6h** - Provide sufficient space for student activities.
- Objective 6i** - Provide one additional classroom and two additional seminar rooms.
- Objective 6j** - Provide sufficient space for graduate students.
- Objective 6k** - Provide sufficient space for staff support.
- Objective 6l** - Provide interview and separate study rooms.
- Objective 6m** - Provide computing facilities for research, teaching and administrative needs.
- Objective 6n** - Provide microfilm facilities.



# Notre Dame Law School Faculty

## Academic Year 1982-1983

### FACULTY PROFILES



*Bauer*



*Blakey*



*Booker*



*Boynton*



*Broden*



*Cleveland*



*Crutchfield*



*Dobranski*

**JOSEPH P. BAUER** is a graduate of the University of Pennsylvania and the Harvard Law School. He practiced with a large New York City law firm and taught at the University of Michigan Law School before joining the Notre Dame faculty in 1973. During the year 1975-76, he was director of the year-around law program in London. He was on leave for the 1981-82 academic year as a visiting professor at the University of North Carolina School of Law.

**G. ROBERT BLAKEY**, a North Carolina and District of Columbia lawyer, has served as a special attorney, Organized Crime and Racketeering Section, U.S. Department of Justice; chief counsel to the Subcommittee on Criminal Laws and Procedures of the U.S. Senate; consultant to the President's Commission on Crime and Administration of Justice; reporter for the Electronic Surveillance Standard of the American Bar Association; consultant to the National Commission on the Reform of Federal Criminal Laws; consultant to the National Gambling Commission; and a member of the National Wiretap Commission. From 1977 to 1978, he was chief counsel and staff director of the Select Committee on Assassinations of the U.S. House of Representatives. He taught at Notre Dame Law School from 1964 to 1969, became a professor at Cornell Law School in 1972, then returned to teach at Notre Dame in 1980.

**FRANK E. BOOKER**, a Missouri and Florida lawyer and a Duke law graduate, taught at Stetson University before he joined the Notre Dame faculty in 1968. He was the founding director of Notre Dame's English summer program and was director of the London year-around program. He was in private practice in Florida from 1970 to 1972, when he rejoined the faculty.

**CHARLES M. BOYNTON** is an expert in commercial and banking law who teaches the course in real estate transactions. He practices law in South Bend and is active in local civic and religious affairs. He is former chancellor of the Northern Indiana Diocese of the Episcopal Church, a Notre Dame law graduate and a former editor of the *Notre Dame Lawyer*.

**THOMAS F. BRODEN, JR.**, is director of the University's urban studies program and a teacher in the Law School. He is an Indiana lawyer who has served in important community posts ranging from chairman of the South Bend Human Relations and Fair Employment Practices Commission to director of training and technical assistance for the Office of Economic Opportunity.

**GRANVILLE E. CLEVELAND**, assistant law librarian, is an Ohio native who attended Central State College in Wilberforce, Ohio. He has extensive experience as a librarian for bar associations in his home state and is, among other distinctions, a professional singer. Among varied activities, he served as chairman of the University's Black Student Affairs Committee.

**CHARLES F. CRUTCHFIELD** is a member of the Indiana Bar and a graduate of the Law School at Indiana University. He is a native Hoosier and a retired Air Force intelligence officer. He came to the Notre Dame faculty after eight years in the South Bend legal services offices, six of them as director. He is former president of the local chapter of the Urban League.

**BERNARD DOBRANSKI** is a graduate of the University of Virginia Law School and joined the faculty from Creighton Law School. His professional experience includes serving as Attorney Adviser for the National Labor Relations Board, a staff member of the President's Commission on Civil Disorders, Deputy Regional Counsel of the Office of Economic Opportunity, Administrative Assistant to a member of the U.S. House of Representatives, and General Counsel to the Washington Metropolitan area transit Commission. At Notre Dame he teaches courses in the labor field and administrative law. He directed the Notre Dame London Summer Program in 1977, 1978 and 1979.

# Notre Dame Law School Faculty

## Academic Year 1982-1983



*Dutile*



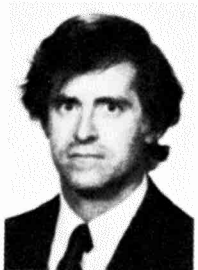
*Faccenda*



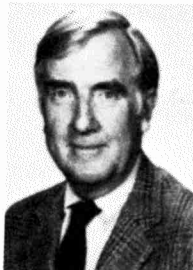
*K. Farmann*



*S. Farmann*



*Gaffney*



*Gilligan*



*Kellenberg*

**FERNAND N. DUTILE** graduated from Assumption College and the Notre Dame Law School and was articles editor of the *Notre Dame Lawyer* in 1964-65. He was an attorney in the Civil Rights Division, U.S. Department of Justice, and taught law at the Catholic University of America before returning to teach at Notre Dame in 1971.

**PHILIP J. FACCENDA** is General Counsel of the University of Notre Dame and teaches in the area of corporate law. He earlier served as Vice President for Student Affairs, and in May of 1973 he was elected to the University's Board of Trustees for a six year term. A 1952 Notre Dame mechanical engineering graduate and an Air Force veteran of the Korean conflict, he studied law at Loyola University, receiving the J.D. degree in 1957. He is Chairman of the Board of Directors of three business corporations, Chairman of the South Bend Crime Commission and Immediate Past President of the South Bend-Mishawaka Area Chamber of Commerce.

**KATHLEEN G. FARMANN**, member of the District of Columbia Bar, is the Law School's librarian. She was librarian for the Hawaiian Supreme Court and director of research services at Ohio State University before she joined the Notre Dame faculty in 1966.

**STANLEY L. FARMANN**, associate law librarian, holds degrees in Swedish and in library science. He was a professional librarian with the Washington State Library, Ohio State University and the University of Hawaii before he came to Notre Dame.

**EDWARD M. GAFFNEY, JR.**, is a graduate of the Catholic University of America Law School where he earned a J.D. and a M.A. in history. He also holds the LL.M. degree from Harvard Law School and the S.T.L. degree from the Gregorian University in Rome. He taught at Boston University Law School and a course on law and religion at Boston College. He is a member of the Washington, D.C., bar and worked with a public interest law firm representing municipal utilities. Before joining Notre Dame as Associate Director of the Center for Constitutional Studies, he served as an attorney-adviser on the policy staff of Attorneys General Levi and Bell.

**JOHN J. GILLIGAN** is a 1943 graduate of Notre Dame. After serving in the Navy, he received a master's degree in literature from the University of Cincinnati and taught at Xavier University. He served six terms on the Cincinnati City Council and was elected to the U.S. House of Representatives where he served one term. He was elected Governor of Ohio in 1970. He was a fellow at the Woodrow Wilson International Center for Scholars in Washington, D.C., and at the John F. Kennedy Institute of Politics at Harvard. He came to Notre Dame from the position of Administrator of the Agency for International Development.

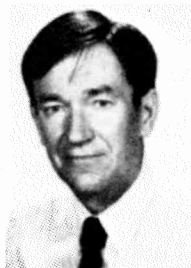
**CONRAD L. KELLENBERG**, a New York lawyer, was a legal officer in the Air Force and a private practitioner in New York City before he became a law teacher. He has taught at the University of London and at the University of East Africa, as well as at Notre Dame. He has served as Director of the Notre Dame Summer Law Program in London.

# Notre Dame Law School Faculty

## Academic Year 1982-1983



*Kmiec*



*Kommers*

**DOUGLAS W. KMIEC** graduated with honors from Northwestern and the University of Southern California Law Center and is a member of the Illinois and California Bars. A Senior Editor of the *Southern California Law Review*, he has practiced law with major law firms in Chicago and Beverly Hills. Prior to joining the faculty at Notre Dame in 1980, he taught at Valparaiso University Law School and in the Department of Environmental Affairs at Indiana University. A member of the ABA Committee on Land Use, Planning and Zoning, he has served as an advisor to various private and public entities on property and land use matters. He served as a White House Fellow in 1982-83.

**DONALD P. KOMMERS** is the author of several books and articles on civil liberties, comparative constitutional law and German law and politics. He is editor of the *Review of Politics* and also teaches in the Department of Government and International Studies. He has been a scholar in residence at the West German Federal Constitutional Court, and an Alexander von Humboldt Fellow in the Law School of the University of Cologne.



*Kopczynski*



*Kopec*

**RITA M. KOPCZYNSKI**, assistant librarian in the Center for Civil Rights, is a graduate of Saint Mary's College and holds a master's degree in Library Science from Simmons College, Boston. Former planner for the Historic Preservation Commission of South Bend and St. Joseph County, she is actively involved with the Justice and Peace Center in South Bend.

**NORMAN KOPEC**, a graduate of the University of Notre Dame and the Notre Dame Law School, was appointed judge of the St. Joseph Superior Court in 1965. He is a graduate of the National College for State Trial Judges and a teaching team member for the National Institute for Trial Advocacy. He is chief judge of a new and pioneer multiple court system for the State of Indiana which has received favorable comment from the Indiana State Bar Association, Indiana State Trial Judges Association and the Indiana Judicial Study Commission.



*Lashbrooke*



*Le*

**ELVIN C. LASHBROOKE, JR.**, is a graduate of the University of Texas. He served as legislative counsel with the Texas Legislative Council from 1972 to 1975. He was in private practice in Texas from 1975 to 1977 when he joined the faculty of DePaul University College of Law. From 1979 he was on the faculty of Stetson University College of Law before coming to Notre Dame in 1981.

**TANG THI THANH TRAI LE** graduated from the University of Aix-Marseille, France (License en droit and Docteur en Droit), the University of Chicago (Ph.D. in political science) and the Notre Dame Law School. She was professor of law at the Universities of Hue, Saigon and Dalat, dean of the Hue Law School, member of the Central Vietnam Bar and the Saigon Bar, and senior partner in an international law firm in Saigon. Professor Le joined the Notre Dame faculty in the fall of 1977.



*Link*



*McCafferty*

**DAVID T. LINK**, the dean, is a Notre Dame graduate and a graduate of the Notre Dame Law School. He is an Ohio and Illinois lawyer, chairman of the American Bar Association Committee on Economics of Law Practice, and a former attorney and administrator in the Internal Revenue Service. He was senior partner in a large Chicago firm before joining the faculty in 1970.

**REV. MICHAEL D. McCAFFERTY, C.S.C.**, is a graduate of the University of Notre Dame and the Notre Dame Law School. He was a trial attorney for the U.S. Equal Employment Opportunity Commission, Washington, D.C., and an associate in a leading Chicago law firm. He returned to Notre Dame in 1978 after having received an LL.M. degree from the Harvard Law School.

# Notre Dame Law School Faculty

## Academic Year 1982-1983



McLean



Mooney

**WILLIAM O. McLEAN**, a retired career Naval Officer, joined the Law School faculty in 1975. He holds master's degrees in school administration from Notre Dame, International Affairs from George Washington University and is a graduate of the Naval War College. He was a member of the United States Delegation in the Strategic Arms Limitations Talks (SALT) during the period 1969-72, negotiations which culminated in the nuclear arms agreements currently in effect.

**CAROL ANN MOONEY** is a graduate of Saint Mary's College and the Notre Dame Law School. She practiced law with a leading firm in the District of Columbia. She is admitted to practice in the District of Columbia and Indiana. She joined the Notre Dame Law School faculty in 1980.



Murphy



O'Hara

**EDWARD J. MURPHY** came to Notre Dame from a clerkship on the Illinois Supreme Court and a law practice in Springfield, Ill. He was president of his Student Bar Association, winner of the moot court competition, and an editor of the *Illinois Law Forum* at the University of Illinois. He is co-author of *Studies in Contract Law*, a widely used casebook for first-year law students. In 1971, he served as acting dean of the Notre Dame Law School and in 1974 was director of the Summer Law Program in Japan. In 1975 he was appointed to the University's first endowed chair in law, the Thomas J. White Professorship. In 1979 he became the John N. Matthews Professor of Law.

**PATRICIA O'HARA** graduated Summa Cum Laude from Notre Dame Law School in 1974. She joined the San Francisco law firm of Brobeck, Phelger and Harrison as associate, practicing in the General Corporate area. She is a member of the California State Bar, the Federal Bar for the Northern and Central Districts of California, and the United States Court of Appeals, Ninth Circuit. She joined the faculty as a visiting professor in 1979, then returned as a regular faculty member in 1981.



O'Meara



Persyn

**JOSEPH O'MEARA** was dean of the Law School for 16 years prior to his retirement in 1968. He now serves as a part-time volunteer in the St. Joseph County Legal Services Program. The University awarded Dean O'Meara an honorary doctor of laws degree in 1969.

**MARY G. PERSYN** holds a Master's Degree in Library Science from the University of Oregon. She received her Juris Doctor Degree from Notre Dame where she was editor-in-chief on the *Journal of Legislation*. Her work experiences range from service in university libraries to clerking with law firms and interning in the Prosecutor's office in South Bend. She joined the Notre Dame Law Library staff in 1982.



Pbelps



Rice

**TERESA GODWIN PHELPS** has a Ph.D. in English from the University of Notre Dame and taught writing courses at Notre Dame since 1974. She served as editor of the *Notre Dame English Journal* for 1978-1980. She joined the law faculty in 1980 to teach legal writing.

**CHARLES E. RICE** practiced law in New York and taught in New York University School of Law and Fordham University School of Law before joining the Notre Dame faculty in 1969. He is co-editor of the *American Journal of Jurisprudence*. Author of five books and various articles on constitutional law and jurisprudence, he teaches those subjects and torts.

**KENNETH F. RIPPLE** came to Notre Dame from the position of Special Assistant to the Chief Justice of the United States. His earlier professional experience includes service as the Legal Officer of the U.S. Supreme Court and as an attorney in the Office of the General Counsel of International Business Machines Corporation. He also served with special distinction as an appellate attorney and as a branch head for the Judge Advocate General of the Navy. A graduate of Fordham University, he holds a law degree from the University of Virginia and an advanced degree in administrative law-economic regulation from the National Law Center of the George Washington University. He is admitted to practice in Virginia, New York and the District of Columbia. At Notre Dame he teaches constitutional law and conflict of laws. He is a member of the American Law Institute and served on the American delegation to the 1980 Anglo-American Judicial Exchange. He is Reporter to the Advisory Committee on Federal Appellate Rules of Procedure.



Ripple



# Notre Dame Law School Faculty

## Academic Year 1982-1983



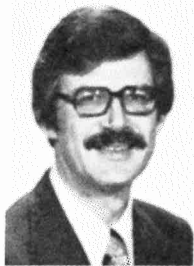
Rodes



Scanlan

**ROBERT E. RODES, JR.**, was Notre Dame's resident faculty member at the University of London for 1970-71. He is a graduate of Brown University and of the Harvard Law School and a member of the bar in Massachusetts, New Jersey and Indiana. He has written extensively on jurisprudence, ecclesiastical history and church-state relations.

**JOHN A. SCANLAN, JR.**, received A.B. and J.D. degrees from Notre Dame, and holds a master's degree in English from the University of Chicago and a doctorate in English from the University of Iowa. A former associate editor of the *Notre Dame Lawyer*, he has taught legal research and writing, and has published in the areas of federal estate and gift tax law, refugee and immigration law, civil rights, and international human rights. He is presently assistant director of the Center for Civil and Human Rights.



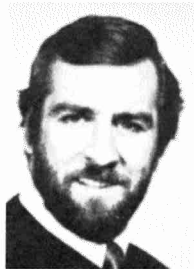
Seckinger



Singer

**JAMES H. SECKINGER** is a Colorado lawyer with degrees from St. John's (Minn.), Vanderbilt and the Notre Dame Law School where he was articles editor of the *Notre Dame Lawyer*. He was a law clerk in the U.S. District Court in Denver, a Reginald Heber Smith Fellow in the Denver legal services program, and a chief deputy in the Denver district attorney's office before joining the faculty. He is Director and a faculty member of the National Institute for Trial Advocacy. He is co-author of *Problems and Cases in Trial Advocacy*, which is widely used in both law school and continuing legal education trial advocacy courses. He was on leave for the 1978-79 academic year as a visiting professor at the Cornell Law School.

**THOMAS H. SINGER** is a partner in the South Bend law firm of Lysohir and Singer. He received his law degree from the University of Michigan in 1959. He is active in many local, state and national trial lawyers' activities and serves on the faculty of the National Institute for Trial Advocacy. He has assisted Notre Dame Law School in the areas of trial practice and trial advocacy since 1975.



Smithburn



Soskin

**J. ERIC SMITHBURN** is a graduate of Indiana University and Indiana University School of Law. A practicing Indiana attorney, he also served as Marshall County Court Judge in Plymouth, Indiana, for three years and taught part time at Notre Dame Law School for one year before joining the faculty full time in 1978. He is a member of the faculties of the National Judicial College and National College of Juvenile Justice, located at the University of Nevada-Reno, the National Institute for Trial Advocacy and the Indiana Judicial College. He is a member of the Board of Directors of the Indiana Juvenile Justice Task Force, and also serves on the Board of Advisors of the Indiana Criminal Law Review. He is the author of *Judicial Discretion*, a book used in both law school and continuing judicial education courses and programs throughout the country.

**RONALD M. SOSKIN** joined the faculty in 1981 while serving as Executive Director of the National Center for Law and the Handicapped. He graduated from the University of Pennsylvania Law School in 1973. As a New York and Indiana Attorney, his experiences include working from 1973-76 on the staff of the New York Mental Health Information Service, an agency providing legal advocacy and representation of mentally ill and mentally retarded persons, and working on the staff of the National Center for Law and the Handicapped, prior to assuming its directorship. He has also taught in the psychology departments of both Notre Dame and Indiana University at South Bend.



Thornton



West

**PETER W. THORNTON** came from New York to join the Notre Dame faculty in 1968 after teaching 22 years at his alma mater, Brooklyn Law School. He left for Florida in 1973 to become the founding dean of Nova University Law Center. He rejoined the Notre Dame faculty in 1976 and spent two years as director of the Notre Dame London Law Centre before returning to the home campus.

**WILLIAM A. WEST**, born in Scotland, graduated from King's College, London University, with LL.B. and LL.M. degrees, and is Barrister of Gray's Inn. Writer of many books and articles, he is the first professor of law and founder of law degrees at Reading University. He has taught at the Notre Dame summer program and year-round program in London since 1973, then joined the regular faculty in 1979. His special subjects include real property, land use planning and torts affecting land.